

UNITES STATES BANKRUPTCY COURT
SOUTHER DISTRICT OF NEW YORK

In re Chapter 11 Case No. 08-13555 (JMP)
LEHMAN BROTHERS HOLDINGS INC, et al., Individually claim # 41376, 41377, 41378
Debtors.

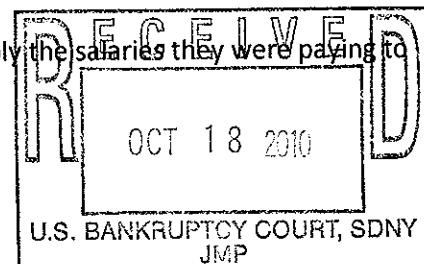
Claimant James Scellato, swears to tell the truth, the whole truth and nothing but the truth. I am
the claimant in the above entitled action. I was employed by Lehman brothers from 2003-2008. In
September of 2008, Lehman Brothers terminated most of its employees, including myself.

Upon termination, Lehman Brothers human resources, immediately called me into their office
and had me sign a release agreement. The release agreement included severance pay and pay for
unused vacation time. Said amounts equaled \$23, 736.64.

On October 19, 2009, I filed a proof of claim form for the above claim numbers. The papers were
late due to my misunderstanding of the papers. I was still unemployed at the time and did not have any
money for legal representation. Upon consultation with a friend, I was told I had to mail in the proof of
claim form.

The Debtors, motion to dismiss should not be granted. The money Lehman promised and signed
legal document to provide, was never complied with. On information and belief Lehman Brothers paid
out over 20 million dollars of special payments to three executives. I am sure Lehman Brothers has paid
out more than the 20 million dollars.

This Court should deny the motion to dismiss my claim, my claim included vacation time I
earned , bonus pay that I had earned that were given in the form of shares of Stock. Clearly, Lehman
Brothers bankruptcy was not caused by the employees, but possibly the salaries they were paying to
executives, including \$484 million to its CEO over 9 years.



I implore the Court to deny Lehman Brother motion and allow my claim to continue.

October 14, 2010

A handwritten signature in black ink, appearing to read "James Scellato", written over a horizontal line.

James Scellato
31 Field Street
Staten Island, NY 10304

Attention:
Honorable James M. Peck, Rm 601
One Bowling Green
New York, NY 10004

Weil Gotshal Manges LLP
Att. Shai Waisman, Esq.
767 Fifth Avenue
New York, NY 10153

Office of the United States Trustee for the Southern District
Att: Andy Velez-Rivera, Esq, Paul Schwartzberg, Esq.
33 Whitehall Street, 21st Floor
New York, NY 1004

Milbank, Tweed, Hadley & McCloy LLP.
Att. Dennis F. Dunne, Esq. and Dennis O' Donnell, Esq.
1 Chase Manhattan Plaza
New York, NY 1005